IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11621 of 2005

Between:

C. Jeevan Rao, S/o. Govinda Rao, aged about 45 years, Senior Assistant, O/o. District Coordinator Hospital Services, Adilabad, Adilabad District.

..... PETITIONER

AND

1. The District Coordinator of Hospital Services,
   Adilabad, Adilabad District.
2. The Mandal Revenue Officer Adilabad, Adilabad District.
3. The District Collector, Adilabad, Adilabad District.
4. The Regional Director of Medical & Health Services, Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus to declare that the impugned Proceeding No. E4/63/2005, dated 9.5.2005 issued by the 1st respondent as illegal, arbitrary, unconstitutional and set aside thereon and consequently direct the 1st respondent to continue the petitioner in the 1st Respondent office as Senior Assistant while setting aside the orders of the Administrative Tribunal passed in O.A. No.2297 of 2005, dated 18.5.2005 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.N.VIDYASAGAR REDDY

Counsel for the Respondent Nos.1 to 4: GP FOR MEDICAL HEALTH & FAMI.WELFARE

The Court made the following Oral Order: (per Sri V. Eswaraiah,J)

In this writ petition, the petitioner seeks to assail the order of the District Co-Ordinator of Hospital Services, Adilabad, Adilabad District, dated 09-05-2005, in repatriating him to his original department i.e., to the office of the Regional Director of Medical & Health Services, Warangal as illegal and arbitrary and to set aside the same. Petitioner has also sought for a consequential direction to set aside the order passed by the A.P. Administrative Tribunal, Hyderabad, in O.A.No.2297 of 2005, dated 18.5.2005.

The Administrative Tribunal *vide* order dated 18-05-2005 dismissed the said O.A. on the ground that the petitioner was only surrendered to his original department and therefore, no legal right of the petitioner had been infringed. Further, it is not the case of the petitioner that he had been working in the office of the 1st respondent for any specific term. Further, there are no allegations levelled against the petitioner. The 1st respondent passed a simple order surrendering the services of the petitioner to his parent department. Since the petitioner has already been surrendered to the parent department, he cannot challenge the order of surrender. Therefore, we find no ground to interfere with the impugned order passed by the Tribunal.

The Writ Petition is devoid of merits and the same is accordingly dismissed. No costs.

V.ESWARAIAH, J

K.C.BHANU, J

LUR/PNB

1. The District Coordinator of Hospital Services,
Adilabad, Adilabad District.

2. The Mandal Revenue Officer Adilabad, Adilabad District.

3. The District Collector, Adilabad, Adilabad District.

4. The Regional Director of Medical & Health Services, Warangal.

5. Two C.Cs. to the Government Pleader for Medical & Health, High Court Buildings, Hyderabad. (OUT)

6. Two CD copies.